

WESTERN DIVISION  
No. 5:15-CR-16-D  
No. 5:16-CV-273-D

## ORDER

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations

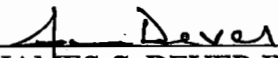
to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the entire record, including the M&R, the transcripts, and the briefs. There is no clear error on the face of the record, and the court adopts the finding and conclusions in the M&R [D.E. 56].

After reviewing the claims presented in Fuller’s motion, the court finds that reasonable jurists would not find the court’s treatment of Fuller’s claims debatable or wrong, and that the claims do not deserve encouragement to proceed any further. Accordingly, the court denies a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

In sum, the court ADOPTS the findings and conclusions in the M&R [D.E. 56] and DISMISSES Fuller’s motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 [D.E. 20]. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c). The clerk shall close the case.

SO ORDERED. This 21 day of February 2018.

  
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JAMES C. DEVER III  
Chief United States District Judge